

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROXANE LABORATORIES, INC.,

Plaintiff,

vs.

Civil Action 2:12-cv-312
Judge Watson
Magistrate Judge King

ABBOTT LABORATORIES,

Defendant.

AMENDED ORDER

On February 19, 2013, the Court conferred with counsel for all parties, by telephone, regarding the pretrial schedule.

The parties filed their joint claim construction statement on December 19, 2012. Doc. No. 65. Opening claim construction briefs were due on February 19, 2013 and responsive claim construction briefs are due by March 21, 2013. *Preliminary Pretrial Order*, Doc. No. 29, p. 3. Shortly before the opening claim construction briefs were to be filed, plaintiff notified defendants of its intention to modify the joint claim construction statement. Defendants oppose any such modification and ask that, if the modification is permitted, they be granted at least sixty (60) days to conduct discovery, including expert discovery, prior to the filing of opening claim construction briefs.

Plaintiff is **ORDERED** to file, no later than February 22, 2013, a motion to modify the joint claim construction statement. Defendants

may have until February 27, 2013 to respond and plaintiff may have until March 1, 2013 to reply. The parties' memoranda must address the need and justification for any requested modification, see Fed. R. Civ. P. 16(b)(4), and the impact of any modification on the current pretrial schedule. No memorandum may exceed seven (7) pages.

The dates for filing opening claim construction briefs and responsive claim construction briefs are **SUSPENDED** pending further order of the Court.

s/Norah McCann King
Norah McCann King
United States Magistrate Judge

Date: February 20, 2013